

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application

Appl. No.: 10/687,263

Confirm. No.: 9958

Filed: October 15, 2003

Title: CD RACK WITH HUB TO ENGAGE CENTER OPENING  
OF CD

Currently Named Inventor: Charles E. Taylor

Inventor to be Added: David Caplan

PATENT APPLICATION

Art Unit: 3634

Examiner: Khoa H. Tran

Customer No. 23910WRITTEN CONSENT OF ASSIGNEE TO ADD INVENTOR  
as required by 37 C.F.R. § 1.48(a)(5)Commissioner for Patents  
Box 1450  
Alexandria, VA 22313

Sir:

Pursuant to 37 C.F.R. §3.73(b), Sharper Image Corporation (referred hereafter as "Assignee"), a corporation of Delaware, establishes that it is the current Assignee of the above identified patent application as evidenced by the copy of the Assignment attached hereto. The Assignment has been reviewed and Assignee hereby certifies that, to the best of Assignee's knowledge and belief, title to the above-identified patent application is in the Assignee.

Pursuant to 37 C.F.R. § 1.48(a)(5), Assignee hereby consents to adding David Caplan as a co-inventor of the above identified patent application.

The undersigned (whose title is supplied below) is empowered to sign this written consent on behalf of Assignee.

The undersigned also hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these

- 1 -

Attorney Docket No.: SHPR-01048USH SRM/DJB  
dburns/SHPR-1048USH.Consent.of.Assignee.wpd

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

## SHARPER IMAGE CORPORATION

Date: OCTOBER 20, 2004By: Andrew ParkerPrint Name: ANDREW PARKERTitle: SENIOR VICE PRESIDENT

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Attorney Docket No.: SHPR-01048USH SRM/DJB  
durns/SHPR-1048USH.Consent of Assignee.wpd



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231

JANUARY 08, 2001

PTAS

FLEHR HOHBACH TEST ALBRITTON & HERBERT  
MICHAEL A. KAUFMAN  
FOUR EMBARCADERO CENTER - SUITE 3400  
SAN FRANCISCO, CA 94111-4187



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/23/2000

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NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
CAPLAN, DAVID

DOC DATE: 09/26/2000

ASSIGNOR:  
TAYLOR, CHARLES E.

DOC DATE: 09/22/2000

ASSIGNEE:  
SHARPER IMAGE CORPORATION  
650 DAVIS STREET  
SAN FRANCISCO, CALIFORNIA 94111

SERIAL NUMBER: Q9625228  
PATENT NUMBER:

FILING DATE: 07/24/2000  
ISSUE DATE:

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

11-09-2000

MRD

OCT 23 2000

RE

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

101512407

To the Honorable Assistant Commissioner for Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

David CAPLAN and Charles E. TAYLOR

Additional name(s) of conveying  
party(ies) attached?

[ ] Yes [✓] No

## 3. Nature of Conveyance:

[✓] Assignment [ ] Merger  
[ ] Security Agreement [ ] Change of Name  
[ ] Other

Execution Date: 22 and 26 September 2000

## 2. Name and address of receiving party(ies):

Name: SHARPER IMAGE CORPORATION

Internal Address:

Street Address: 650 Davis Street

City: San Francisco

State: California

Zip: 94111

Country: U.S.A.

Additional name(s) &amp; address(es) attached?

[ ] Yes [✓] No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

09/625,228

B. Patent No.(s)

Additional numbers attached? [ ] Yes [✓] No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

Name: Michael A. KAUFMAN

Internal Address: FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Street Address: Four Embarcadero Center - Suite 3400

City: San Francisco

State: California Zip: 94111-4187

6. Total number of applications  
and patents involved:

1

7. Total fee (37 CFR § 3.41):...\$ 40.00

[✓] Enclosed

[ ] Authorized to be charged to deposit account

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## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy  
is a true copy of the original document.Michael A. KAUFMAN  
Name of Person SigningMichael A. Kaufman  
Signature19 October 2000  
Date

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10/25/2000 ETULU1 00000041 09625228

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## ASSIGNMENT

WHEREAS, the undersigned,

(1) David CAPLAN (2) Charles E. TAYLOR

(hereinafter termed "Inventors"), residents of

(1) ~~Las Vegas~~ PHOENIX ~~DC~~ (2) Sebastopol

respectively, Counties of

(1) ~~Clark~~ MARICOPA ~~DC~~ (2) Sonoma

respectively, States of

(1) ~~Nevada~~ ARIZONA ~~DC~~ (2) California

respectively, have invented certain new and useful improvements in

MODULAR RACK FOR COMPACT DISKS

(Accompanying application)



and have executed concurrently herewith an application for a United States patent disclosing and identifying the invention;

(Not accompanying application)

for which an application for a United States Patent was filed on 24 July 2000,having Application Number 09/625,228.

and

WHEREAS,

Sharper Image Corporation, a corporation of the State of Delaware,  
having a place of business at 650 Davis Street, San Francisco, California 94111

(hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

I. Said Inventors do hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance of any said patents; (e) for interference or other priority proceedings involving said invention; and (f) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee this

(1) 26 day of September, 2002.

(2) 22 day of September, 2002.

respectively.

(1) David Kaplan  
(inventor)

(2) David E. Tikhonov  
Inventor

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled A RACK FOR COMPACT DISCS

the specification of which

(check ☒ is attached hereto.  
one)

☐ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

JAN 29 '99 10:35AM FLEHR HOMBACH TEST

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hombach, Reg. No. 17,757; Aldo J. Yess, Reg. No. 18,048; Thomas O. Harbert, Reg. No. 18,612; Donald N. MacIntosh, Reg. No. 20,316; Jerry B. Wright, Reg. No. 20,165; Edward S. Wright, Reg. No. 24,003; David J. Brenner, Reg. No. 24,774; Richard H. Buckus, Reg. No. 22,701; James A. Sheridan, Reg. No. 23,435; Robert S. Chickering, Reg. No. 24,288; Gary S. Williams, Reg. No. 31,056; Richard F. Treceola, Reg. No. 31,601; Walter B. Draper, Reg. No. 24,190; Steven P. Coserza, Reg. No. 29,780; William S. Gulliani, Reg. No. 33,883; Laura L. Kuthanlian, Reg. No. 33,297; Julian Caplan, 14,783;

; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hombach Test Albrighton & Harbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to Robert S. Chickering at (415) 781-1989.

Address all correspondence to:

FLEHR HOMBACH TEST  
ALBRIGHTON & HARBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111

File No. A-67667

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or  
first inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

David Caplan

*David Caplan*

1-28-99

1404 E. 6th Street, Las Vegas, NV 89104

U.S.A.

1404 E. 6th Street, Las Vegas, NV 89104

DC

Full name of second joint

inventor, if any:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Charles E. Taylor

*Charles E. Taylor*

27/1/99

446 West Street, Sebastopol, CA 95672

U.S.A.

446 West Street, Sebastopol, CA 95672



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application

Inventor(s): Charles E. Taylor

SC/Serial No.: 10/215,696

Confirm. No.: 3151

Filed: August 9, 2002

Title: CD RACK WITH HUB TO ENGAGE CENTER  
OPENING OF CDPATENT APPLICATION

Art Unit: 3634

Examiner:

Customer No. 23910**RECEIVED**  
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OCT 27 2004

## DECLARATION FOR C-I-P PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below), original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention of the present application:

Title of invention and of present application:

## CD RACK WITH HUB TO ENGAGE CENTER OPENING OF CD

The specification of the present application (check applicable ones):

\_\_\_\_\_ is filed herewith;

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ was filed with the above-identified August 9, 2002 date and Serial No. 10/215,696.

\_\_\_\_\_ was amended on (or amended through) \_\_\_\_\_.

I have reviewed and understand the contents of the above-identified specification for the present application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of the present application in accordance with Title 37, Code of Federal Regulations, §1.56.

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Page 1

Attorney Docket No.: SHPR-01048USA SRM/DJB  
DBurns/shpr/1048USA/1048USA.declaration2.wpd

This present application in part discloses and claims subject matter disclosed in, and I hereby claim the benefit under Title 35, United States Code §120 of any United States prior application(s) listed below:

(1) <u>09/721,001</u> (SC/Serial No.)	<u>November 22, 2000</u> (Filing Date)	<u>patented</u> (Status-pending, patented, abandoned)
(2) <u>09/625,228</u> (SC/Serial No.)	<u>July 24, 2000</u> (Filing Date)	<u>pending</u> (Status-pending, patented, abandoned)
(3) <u>09/240,308</u> (SC/Serial No.)	<u>January 29, 1999</u> (Filing Date)	<u>abandoned</u> (Status-pending, patented, abandoned)

Insofar as the subject matter of each of the claims of the present application is not disclosed in the United States prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56 which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

(1) Full name of sole  
or first inventor: Charles E. Taylor

(1) Residence: 446 West Street  
Sebastopol, California 95472

(1) Mailing Address: 650 Davis Street  
San Francisco, California 94111

(1) Citizenship: United States

(1) Inventor's signature: Charles E. Taylor

(1) Date: 10/7/2002

\*\*\*\*\*

Title 35, United States Code §120**SECTION 120. BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES**

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Title 35, United States Code, §112 (first paragraph)**SECTION 112. SPECIFICATION**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Title 37, Code of Federal Regulations, §1.56**SECTION 1.56. DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98.\* However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office; or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

\* §§1.97(b)-(d) and 1.98 relate to the timing and manner in which information is to be submitted to the Office.

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